

REMARKS

Claims 1, 3 – 12, 14 – 22, and 24 – 31 were pending in the above-identified patent application when last examined. Claims 1, 3 – 12, 14 – 22, and 24 – 31 were rejected. Applicant is amending claims 1, 11, 12, and 22.

Rejections Under 35 U.S.C. §103 (a)

In sections 1 and 2 of the Office Action, the Examiner rejected claims 1, 3, 5 – 8, 10 – 12, 14, 16 – 19, and 21 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,038,438 to Beeson (hereinafter *Beeson*) in view of U.S. Patent No. 6,765,484 to Eagleson et al. (hereinafter *Eagleson*).

Applicant submits that claim 1, as amended, is patentable over *Beeson* and *Eagleson*, whether considered independently or in combination, by at least reciting:

A method to be performed in a wireless phone, comprising:  
receiving, from a source, a first message having a first beacon activation command;  
activating a beacon per the command; and  
embedding ~~location information~~ the location of the wireless phone into the beacon.

Per section 2 of the Office Action, *Beeson* does not teach embedding location information into the beacon. Further, *Eagleson* does not teach embedding the location of the phone as claimed.

Instead, as the Examiner states, *Eagleson* “teaches embedding a signpost code within a word transmitted by the beacon tag (see column 7, lines 15-22).” *Eagleson* does not teach that the signpost code contains the location data of the mobile and is unique. *Eagleson* actually teaches transmitting the signpost code that identifies the signpost, there is no location information of the signpost in the code. Further, there is no actual location information in the beacon tag. Assuming that the location of the signpost can be determined based solely on the identification of the signpost (e.g., via a table listing signpost IDs and corresponding locations), the beacon tag only indicates that the beacon is within transmission range of the signpost.

Accordingly, the location of the beacon is not transmitted, only (indirectly) a rough

approximation of the area in which the beacon could be is transmitted. The claimed invention transmits the location of the wireless phone itself, not an approximation of where the phone is.

One of the advantages of the invention is that the exact location of the transmitter can be located via a beacon initiated by a third party. Accordingly, if someone was trapped within a collapsed building after a terrorist action and he or she was unable to activate an emergency beacon indicating his or her location, a third party can activate the beacon indicating his or her location so that rescue crews could locate him or her quickly. In contrast, *Eagleson* only provides a rough approximation of location – within transmission range of a signpost. This would lead to a delay in locating a person in an emergency situation. Further, the locations of the signposts of *Eagleson* would be invalid in an emergency since they would most likely have moved in a building collapse and only transmit their ID used to identify their prior location and not their actual new location.

Therefore, Applicant submits that claim 1 is patentable over the cited art since the combination of references does not yield the claimed invention. As claims 11 and 12 recite similar limitations, they should also be patentable for at least the same reasons. Further, their dependent claims are patentable at least by virtue of their dependency to patentable independent claims.

In section 3 of the Office Action, the Examiner rejected claims 22, 24, 26 – 29, and 31 under 35 U.S.C. §103(a) as being unpatentable over *Beeson* in view of *Eagleson* and further in view of U.S. Patent No. 6,362,778 to Neher (hereinafter *Neher*).

Applicant submits that claim 22, as amended, is patentable over *Beeson*, *Eagleson*, and *Neher*, whether considered independently or in combination, by at least reciting:

A wireless phone, comprising:

- a communications engine, communicatively coupled to a wireless transceiver, capable to receive, from a source, a first message having a first beacon activation command via the transceiver;

- a location determining device; and

- a beacon engine, communicatively coupled to the communications engine, the location determining device, and to the transceiver, capable to transmit a beacon via the transceiver upon receipt of the first message having a beacon activation command and further capable to embed location information the location of the wireless phone into the beacon.

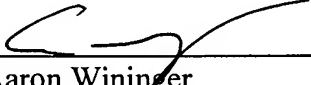
In contrast, as discussed above, neither *Beeson* nor *Eagleson* anticipate claim 22 as claim 22 cites limitations similar to claim 1. Further, *Neher* does not teach the missing limitation and therefore, the combination of all three references does not yield the claimed invention. Accordingly, Applicant submits that claims 22, is patentable over the cited references. Further, claims 24, 26 – 29, and 31 are patentable over the cited references at least by virtue of their dependency.

In sections 4 – 8, claims 4, 9, 15, 20, 25, and 30 were rejected under 35 U.S.C. §103(a). Applicant submits that these claims are patentable over the cited references at least by virtue of their dependency to patentable base claims.

Therefore, Applicant respectfully requests withdrawal of the rejections and the mailing of a Notice of Allowance as only patentable claims remain pending.

Respectfully submitted,  
Hamid Najafi

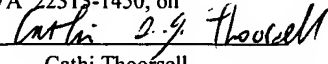
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

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By:   
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